

APPROVED 8/4/08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
PLANNING & ZONING COMMISSION

Minutes of the Planning & Zoning Commission meeting held on Monday, July 7, 2008 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:00 PM.

MEMBERS PRESENT:

Dominic Palumbo, Chairman
James J. Giulietti, Vice Chairman
Douglas Roberts, Secretary
Vern Carlson
Brian Cummings
William O'Hare, Alternate
Antoinetta A. Carmody, Alternate
John Vanacore, Alternate

MEMBERS ABSENT: None

OTHERS PRESENT:

Alan A. Fredricksen, Land Use Administrator
Andy Bevilacqua, Acting Town Engineer
Mary Lee Rydzewski, Public Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Palumbo, Chairman, called the meeting to order at 7:03 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Palumbo explained the procedures for the public hearing. He asked Mr. Fredricksen if there were any changes to the agenda. Mr. Fredricksen stated that application #P08-52, 449-453 Washington Avenue, is postponed to the August 4, 2008 meeting.

PUBLIC HEARING:

Mr. Roberts read the call for the first public hearing.

Mr. Carlson and Mr. Giulietti recused themselves from this application. Mr. Vanacore will be sitting for Mr. Carlson and Mrs. Carmody will be sitting for Mr. Giulietti.

1. #P08-30 Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of Haven East, LLC, Applicant and Owner, relative to 410 Clintonville Road, (Map 69, Lot 5). Plan Entitled: Topographic/Boundary Map, Prepared by Martinez Couch & Associates, LLC, Dated 9/7/01. Scale 1" = 10'. R-40 Zoning District.

Attorney John Lambert presented the application to permit a motor vehicle repairer's license at this location. He explained the history of the site. Mr. Lambert then read a letter from Mr. Alex Vigliotti, owner of 401 Clintonville Road, Tuscan Villa, dated July 7, 2008 who is in favor of this application. The business is intending to start out as a repair shop and then gas pumps and a convenience store will be added. Mr. Earl Tucker, owner, answered questions from the Commission.

Mr. Palumbo asked for public comment.

Public comment:

1. Mike Cestaro, 534 Clintonville Road, spoke in favor of the application.
2. Joe D'Errico, Sr., 55 Corey Road, spoke in favor of the application. He felt that the convenience store could be helpful for the people 55 and older that live across the street and that being a smaller gas station the fuel price may be lower.
3. Jim Plano, 490 Pool Road, spoke in favor of the application
4. Patrick Moore, 52 Hansen Farm Road, spoke in favor of the application.
5. Tony Leonardi, 87 Carriage Drive, spoke in favor of the application.
6. Lou Borrelli, 71 Warner Road, spoke in favor of the application.
7. Steve Haag, 541 Clintonville Road, spoke in favor of the application.
8. Mark Cofrancesco, Land Trust Committee, 6 Frost Drive, stated that the Land Trust Committee which has been taking care of the land next to this site for the past 19 years feels this site is too small for this type of business. He is also concerned about the upkeep of this property.
9. Don Caruso, Association Secretary of Regency Meadows, 15 Fieldstone Court, is concerned with the busy intersection.
10. Theresa Ranciato-Viele, 100 Bassett Road, feels this site is too small for this type of business and would like to see something more appropriate. She is also concerned about the possibility of a towing business so she would like this application denied.
11. Ellen Thompson, Association President of Regency Meadows, feels this area is already congested and has safety concerns. She would also like the 55 and older residents that live across the street to be considered when making the decision.
12. Phil James, Land Trust Committee, 39 Susan Lane, feels this type of business is not in conformance with the area and that non-personnel will use the lot for parking. He also has safety concerns with additional traffic and the operation of a towing business.
13. Nick Saldanha, 600 Washington Avenue, feels this area is very congested already.
14. Peter Criscuolo, 15 Fawn Ridge, feels this business is not in conformance with the area and that the area is already congested. He also feels this business is too small for this site and is concerned about trucks and vehicles being left in the road. He is also concerned about the upkeep of the site.
15. Matt Rossi, 52 Hansen Farm Road, spoke in favor of the application.

Mr. Lambert and Mr. Earl Tucker responded to the public comment. Mr. Tucker stated that he will monitor the property and is not planning to sell the property at this time.

Being no further questions, Mr. Palumbo closed the public hearing.

BREAK: 7:45 – 7:52 PM

Mr. Roberts read the call for the second public hearing.

2. #P08-50 Resubdivision application of James Nazario, Applicant and Owner, for two (2) lots, relative to 8 Central Avenue, (Map 60, Lot 127 & Map 53, Lot 229). Plan Entitled: Property Line Adjustment Map, Lands of James A. & Tina L. Nazario and Thomas M. Sgro, 8 Central Avenue, 60 Pool Road, North Haven, Connecticut, Dated September 30, 2007. Scale 1" = 30'. R-20 Zoning District.

John Gable, engineer, presented the application to permit the re-subdivision of 8 Central Avenue parcel into two lots pending the purchase of .41 acres from the adjacent landowner at 60 Pool Road. The applicant is requesting to waive required sidewalks. He reviewed the Land Use and Engineer's comments. Mr. Roberts asked about the length of the driveway. The driveway is 250'. Mr. Giuliatti asked about the waiver of sidewalks. Mr. Carlson asked about the frontage size on Central Ave. Mr. Gable stated that the frontage is 180'. Mr. Fredricksen clarified that sidewalks would be on Central Avenue only. Mr. Jamie Narzario responded that the house would be 3,400 sq ft. and they will try to limit the amount of trees to be cut. They also plan to plant trees.

Mr. Roberts read into the record a letter from Thomas Sgro, owner of 60 Pool Road stating why he is selling the .41 acres to the owners at 8 Central Avenue. Also read into the record was a letter from James Morgan of 27 South Avenue in opposition to this application. He is concerned with the lack of privacy due to loss of trees and increased density and traffic.

Mr. Palumbo asked for public comment.

Public comment:

- 1) Tracey Fuergeson, 58 Pool Road, questioned the size of the house to be built and was concerned about the cutting of trees.
- 2) Schunbong Sun, 54A Pool Road, concerned with the cutting of trees and the affect it will have on the habitat in that area.

Being no further questions, the public hearing was closed.

3. #P08-52 Excavation Permit application of VGY Development, LLC, Ken Ginsburg, Applicant and Owner, relative to 449-453 Washington Avenue, (Map 90, Lot 8,). Plan Entitled: Site Plan, Grading, Sedimentation and Erosion Control, 449-453 Washington Avenues, North Haven, Connecticut, Dated 6/05/08. Scale 1" = 30'. IL-30 Zoning District.

This application was postponed to the August 4, 2008 meeting.

SITE PLANS:

4. #P08-45 Site Plan Application of Robert J. Rebesch, Owner and Applicant, relative to 36 Nettleton Avenue, (Map 11, Lot 3). Plan Entitled: Site Plan, New Recycling Dumpster Location & New Refuse Dumpster Location, Prepared by Criscuolo Engineering, LLC, Dated 1/18/08. Scale 1" = 20'. IL-30 Zoning District.

Mr. Jim Pretti with Criscuolo Engineering presented the application to construct a new access driveway and add two recycling dumpsters. The application received approval from the Inland Wetlands Commission to Conduct Regulated Activity and a positive site plan referral.

The Commission has concerns with the dumpsters eventually leaking. Mr. Pretti stated that the dumpsters have been water tested. Mr. Pretti asked to waive the required sidewalks.

5. #P08-49 Site Plan Application of Godfrey-Hoffman Associates, LLC, Applicant, 26 Broadway, LLC - Adam Hoffman, Owner, relative to 26 Broadway, (Map 66, Lot 100). Plan Entitled: Site Development Plan, Prepared for Godfrey-Hoffman Associates, LLC, 26 Broadway, North Haven, CT, Dated 12-7-06, Revised: 06-06-08. Scale 1" = 20'. CA-20 Zoning District.

Mr. Giulietti recused himself and Mrs. Carmody sat in his place.

Attorney Bernie Pellegrino, Jr. presented the application for 26 Broadway to permit the change of use of approximately 1442 square feet of this existing building, 2nd floor, from office to performing arts studio. No site work is being proposed. There are 19 parking spaces on site and there is no specific parking requirement for a performing arts studio. The business would open at 3:00 p.m. during the week and will be open on weekends when the other businesses at this location are not in operation. The Commission asked questions regarding the accessing of this site and parking. Adam Hoffman, owner of 26 Broadway, explained that he put a chain up to prevent people from traveling through his site.

6. #P08-51 Site Plan Application Timothy J. Lee, Applicant, Vincent & Carol Cangiano, Owners, relative to 85 Middletown Avenue, (Map 7, Lot 29). Plan Entitled: Site Development Plan for Proposed Rite-Aid Pharmacy, Store 1033, Prepared by Bohler Engineering, Dated 1/18/08, revised 6/6/08. Scale 1" = 20'. CB-20 Zoning District.

Attorney Nicholas Mingione, Fasano, Ippolito and Lee, LLC presented the application to modify application #P08-35 approved by the Commission on May 5, 2008 to include an additional free standing 1,500 square foot restaurant. There will be three sides of access for emergency vehicles and 20 parking spaces will be added. Mr. Cummings questioned the traffic flow.

Mr. Lucien DiStefano of Bohler Engineering further explained emergency access and traffic flow. Mr. Palumbo asked about parking around Rite Aid. Mr. DiStefano stated that the parking is sufficient.

7. #P08-53 Site Plan Application of Wallace Lyman, Applicant, Steven Dostie, Owner, relative to 73 Defco Park Road, (Map 95, Lot 25). Plan Entitled: 73 Defco Park Road, Prepared by Hunter Smith Associates, Dated 8-15-05. Scale 1" = 20'. IL-80 Zoning District.

Attorney Jullian Schlesinger presented the application to permit the change of use of approximately 1290 square feet of this existing building from wholesale office/showroom to a social club for approximately 15-25 individuals. No alcohol will be served and no food will be prepared on site. No sitework is being proposed. There are 45 parking spaces on site. Zoning regulations requires 75 spaces for the social club. Mr. Lyman, 73 Defco Park, Unit 2, explained the previous and current use of this building and wanted a central area for people to gather. Mr. Carlson questioned the IL-80 zone for this use.

Mr. Fredricksen asked the Commission to evaluate the parking and if this change of use requires a site plan. Mr. Giulietti questioned the parking requirements and the applicant not having a site plan. Mr. Giulietti is concerned with the social club becoming a business. Mrs. Carmody feels this combined use could work. Mr. Vanacore asked about bathroom facilities. Exhibits A – M were submitted by the applicant. Mr. Roberts asked about Police issues. Mr. Lyman stated there have been issues with the Police.

BREAK: 9:06 – 9:13 PM

DELIBERATION SESSION:

Mr. Carlson moved to go into deliberations; Mr. Roberts seconded the motion. All were in favor.

PUBLIC HEARING:

1. #P08-30 Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of Haven East, LLC, Applicant and Owner, relative to 410 Clintonville Road.

Mr. Roberts moved to approve the application; Mr. Vanacore seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Cummings – nay Vanacore - aye Carmody - aye

The application was approved.

2. #P08-50 Resubdivision application of James Nazario, Applicant and Owner, for two (2) lots, relative to 8 Central Avenue.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – nay Roberts – aye Carlson – aye Cummings – aye

The application was approved with appropriate conditions.

SITE PLANS:

4. #P08-45 Site Plan Application of Robert J. Rebesch, Owner and Applicant, relative to 36 Nettleton Avenue.

Mrs. Carmody moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Carlson – aye Cummings – aye Carmody – aye

The application was approved with appropriate conditions, and a waiver of the required sidewalks.

5. #P08-49 Site Plan Application of Godfrey-Hoffman Associates, LLC, Applicant, 26 Broadway, LLC - Adam Hoffman, Owner, relative to 26 Broadway.

Mrs. Carmody moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – nay Roberts – aye Carlson – nay Cummings – nay Carmody - aye

The application was denied.

6. #P08-51 Site Plan Application Timothy J. Lee, Applicant, Vincent & Carol Cangiano, Owners, relative to 85 Middletown Avenue.

Mr. Giulietti moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Roberts – aye Giulietti – aye Carlson – aye Cummings – aye

The application was approved with conditions.

7. #P08-53 Site Plan Application of Wallace Lyman, Applicant, Steven Dostie, Owner, relative to 73 Defco Park Road.

Mr. Giulietti moved to deny the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti - aye Roberts – aye Carlson – aye Cummings – aye

The Commission stated the following reasons for the denial:

- 1) This site is not suitable for this combination of industrial and social club uses.
- 2) Provided parking is inadequate for a social club.
- 3) There was no site plan or A-2 Survey provided.

INFORMAL PRESENTATION: None

OTHER:

-2009 Meeting Dates

Mr. Carlson moved to approve the 2009 Meeting Dates; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts – aye Carlson – aye Cummings – aye

- John Ceruzzi – Driveway Interconnection Proposal
79 Washington Avenue

Mr. Fredricksen distributed a letter from the Town Attorney, John Parese, who feels a full site plan to shut down interconnection with the adjacent property is the appropriate process to follow regarding this situation.

Mr. Giulietti moved to approve requiring a site plan application to the Planning & Zoning Commission; Mr. Carlson seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts – aye Carlson – aye Cummings – aye

-129 Washington Avenue McDonalds's Dumpster Relocation

John McKnight owner of McDonalds requested to relocate the enclosed dumpster on his site. Mr. Longobardi and Boston Market Restaurant are in favor of the dumpster relocation.

Mr. Carlson moved to approve the relocation of the dumpster; Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts – aye Carlson – aye Cummings – aye

-Town Attorney – Anderson Sunnyside Farm

Mr. Fredricksen distributed a letter from the Town Attorney, John Parese, asking for an official resolution for the expiration of the Kings Highway Resubdivision.

Mr. Carlson moved to have Mr. Roberts sign the resolution; Mr. Cummings seconded the motion; The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts – aye Carlson – aye Cummings – aye

EXTENSIONS:

#P08-03, 375 Washington Avenue

Mr. Giuliatti moved to approve two six (6) month extensions for application #P08-03, Mr. Roberts seconded the motion. The Commission voted as follows:

Palumbo – aye Giuliatti – aye Roberts- aye Carlson – aye Cummings – aye

#P07-31 & #P07-31A, 66 Leonardo Drive

Mr. Roberts moved to approve a six month extension for applications #P07-31 & P07-31A, 66 Leonardo Drive; Mr. Cummings seconded the motion. The Commission voted as follows:

Palumbo – aye Giuliatti – aye Roberts – aye Carlson – aye Cummings – aye

BOND RELEASES & REDUCTIONS:

#P2000-49, 89 Mill Road

Mr. Carlson moved to deny the bond release for P2000-49, 89 Mill Road, in the amount of \$30,000.00; Mr. Giuleitti seconded the motion. The Commission voted as follows:

Palumbo – aye Giuliatti – aye Roberts – aye Carlson – aye Cummings - aye

#P08-09, 444-460 State Street

Mr. Carlson moved to deny the bond release for P08-09, 444-460 State Street, in the amount of \$5,000.00; Mr. Giuliatti seconded the motion. The Commission voted as follows:

Palumbo – aye Giuliatti – aye Roberts – aye Carlson – aye Cummings – aye

#P07-17, 26 Broadway

Mr. Carlson moved to release the bond for #P07-17, 26 Broadway, in the amount of \$7,500.00; Mr. Giuliatti seconded the motion. The Commission voted as follows:

Palumbo – aye Giuliatti – aye Roberts – aye Carlson – aye Cummings – aye

Mr. Carlson moved to go back into deliberations; Mr. Roberts seconded the motion. All were in favor.

CHANGE OF USE:

130 Washington Avenue

AnnMarie Nappi, owner of Creative Mind & Body Day Spa, would like to incorporate spa/salon instructional courses into her current business. The apprentice program will teach no more than two individuals at one time.

Mr. Roberts moved to approve the Change of Use for 130 Washington Avenue;
Mr. Giulietti seconded the motion. The Commission voted as follows:

Palumbo – aye Giulietti – aye Roberts- aye Carlson – aye Cummings - aye

CORRESPONDENCE: Connecticut NEMO Newsletter

MINUTES:

June 2, 2008

Mr. Roberts moved to approve the minutes of June 2, 2008; Mr. Carlson seconded the motion. The Commission voted as follows:

Palumbo - aye Roberts – aye Carlson - aye Cummings – aye

ADJOURN:

There being no further business, Mr. Roberts moved to adjourn; Mr. Carlson seconded the motion. The meeting was adjourned at 10:02 PM.